

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICATION NO.: 09/857,906  
DOCKET NO.: QMT-1 US  
INVENTOR: Batich et al.  
FILED: 01/04/2002  
TITLE: INTRINSICALLY BACTERICIDAL ABSORBENT  
DRESSING AND METHOD OF FABRICATION

ART UNIT: 1157  
EXAMINER: Lewis, Kim M

**FACSIMILE TRANSMITTAL COVER SHEET FOR  
RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. 1.111**

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KIM LEWIS**

SUBMITTED TO USPTO:

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2. THIS TRANSMITTAL COVER PAGE WITH FACSIMILE CERTIFICATE

*Total = 12 pages*

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**GERARD H. BENCEN**

**REGISTRATION NO. 35,746**

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FEBRUARY 9, 2004.**



**GERARD H. BENCEN**

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**SUPPLEMENTAL RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. 1.111**

On 07/08/2003, an Office Action issued in this case. On October 1, 2003, a Response to Office Action Under 37 C.F.R. 1.111 was filed via facsimile, along with Revocation and New Powers of Attorney, and an Information Disclosure Statement. Subsequently, a Notice of Non-Responsive Amendment was issued, and sent to the address of record in this case, without taking into account the Revocation and New Powers of Attorney that were filed on October 1, 2003. Following investigation by the undersigned, on 13 Jan. 2004, Examiner Kim M. Lewis sent the Notice of Non-Responsive Amendment to the undersigned via facsimile. No indication was given that the period for timely response to this notice was being restarted as of the 13 Jan. 2004 facsimile transmission to the undersigned, although telephonically, Examiner Kim M. Lewis indicated to the undersigned that the period for response would be reset.

It is respectfully urged that this SUPPLEMENTAL RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. 1.111 be considered to be timely filed on this date of January 14, 2004. This SUPPLEMENTAL RESPONSE is substantially identical to the Response filed on October 1, 2003, except that the basis for a finding of non-responsiveness is addressed in this transmission.

It is noted also that the sole basis for holding that the Response filed on October 1, 2003 was non-responsive was: "at the time of the writing of the first office action, the "non-siloxane bonds" limitation was not present in claim 8. Although it is present in the currently amended form of claim 8, it has not been properly entered in the claim."

It is urged that this basis for finding the Response to be non-responsive is, in fact, flawed. The application on which the first office action was issued is an application which was nationally filed with the U.S. Patent and Trademark Office ("USPTO") under 35 U.S.C. 371, following prosecution through the Patent Cooperation Treaty. During prosecution in the PCT, Chapter II, an amendment to claim 8 was made in which the "non-siloxane bonds" limitation was added to the claim. Accordingly, as filed in the USPTO, claim 8 did contain this limitation, and the Response filed on October 1, 2003 should have been entered and acted upon.

The foregoing notwithstanding, this Supplemental Response includes an amended claim 8 showing the inclusion of the "non-siloxane bonds" limitation. Whether the USPTO acts on this Supplemental Response or the Response that was previously filed on October 1, 2003, it is requested that prosecution on the merits for this application be expedited.

It is further requested that the Information Disclosure Statement filed on October 1, 2003 be acknowledged by sending the undersigned an initialed copy of the Information Disclosure Statement.